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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.6178/2015

Sau.Sunita W/o Sitaram Surwase & others.
...Petitioners..

Versus

The State of Maharashtra & others.
..Respondents...

.....

Smt.Shubhangi D. More, Advocate for petitioners.
Smt.P.V.Diggikar, AGP for Respondent Nos.1 & 3.
Shri P.D.Syawanshi, Advocate for Respondent Nos.2 & 4.
Shri S.A.Nagarsoge, Advocate for Respondent
Nos.5,6,14,21,29 & 36.
Shri S.S.Dambe, Advocate for Respondent Nos.27,30,31 &
35.

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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 25.11.2016

ORDER :

1] Learned counsel for the petitioners strenuously argued that the petitioners are working as Anganwadi Madatnis in Beed District and the petitioners had filed applications for the post of Anganwadi Supervisor as the respondent nos.2 & 4 had issued an advertisement for the said post. There were 35 posts of Anganwadi Supervisor

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advertised. The criterion is laid down by virtue of various Government resolutions. The petitioners were found eligible for the said post and as such were called for the written examination. The petitioners appeared for the written examination. The learned counsel submits that the guidelines were issued that the candidates appearing for the examination would not be entitled to carry any cell phone, calculator or any other electronic device. According to the learned counsel, contrary to the said guidelines, many candidates were carrying cell phones, calculators and electronic devices. The learned counsel submits that large scale illegalities and mal-practices had taken place at the centre. According to the learned counsel, the examination was held from 11-00 a.m. to 12-30 p.m. and the result was published at 2-35 p.m. i.e. within two hours after the written examination was held. The learned counsel submits that as per the result-sheet, the answer key was supplied before 4-30 p.m. and before the supply of the answer key, the result was published. Even objection was raised by the petitioner, but to no avail. There was no responsible officer to whom the objection could have been given, it

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being a holiday. None the less, immediately the petitioners had lodged the protest. The learned counsel submits that though the respondents published the list of successful candidates, but against their numbers, marks were not mentioned. The respondents conducted the oral interviews on the next day without waiting for any objection on the answer key. On the very same day, the final result has been published showing the consolidated marks of oral and written examination. The hurried manner of conducting examination creates a doubt about the procedure followed by the authorities. More than 700 candidates had appeared for the written examination and within two hours, the result was published showing that the answer-sheets are checked. The learned counsel further submits that when large number of candidates are making a grievance, then reasonable doubt would be raised about the illegalities and mal-practices being committed. The candidates who were relatives of the members of the selection committee and who had political connection were selected. Deliberately less marks were given to the petitioners. Even the candidates who had secured less marks were called for interviews.

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2] The ratio was not properly maintained. The affidavit is filed stating that the result was published on at 4-40 p.m., however, if the time is seen on the said list published at the Internet, the same is at 2-35 p.m. According to the learned counsel, because of the mal-practices committed, the selection process stands vitiated.

3] Mr.Suryawanshi, learned counsel for the respondent - Zilla Parishad submits that selection process was conducted as per the guidelines. There were 35 posts, out of which 21 posts were meant for open category. The candidates in the ratio of 1:3 were called for from open category and the ratio of 1:5 for reserved category. No mal-practices have been committed. The entire process of written examination has been recorded by the authorities with the help of camera. According to the learned counsel, the answer key is to be published for the benefit of the candidates with regard to the objection that they may raise to the answer key and not for examination. The written papers are checked as per OMR technique i.e. Optical Magnetic Resonance.

4] We have considered the submissions canvassed by

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the learned counsel for the parties.

5] It is not the case of the petitioners that they had secured more marks and still were not called for interviews or were not considered. The grievance of the petitioners is that deliberately less marks were given to them and there were mal-practices during the process of examination. The same cannot be readily inferred unless and until specific instances to that effect are given. Bald statements are made about the candidates carrying the cell phones and electronic devices. In a writ jurisdiction, vague pleas cannot be considered. It would appear that the machine had scanned all the papers. The answer key was uploaded at 4-00 p.m. to 4-30 p.m., whereas the list was published at 2-35 p.m. Only because the job was done efficiently, we cannot presume mal-practices or illegalities being committed. This Court would be slow to interfere in case of bald allegations, of course unless specific instances are pointed out. It appears that the ratio of calling the candidates was proper. The list of successful candidates was also published after about two hours of the examination being held. There does not appear to be any objection to the

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answer key.

6] In the light of the above, it would not be possible to entertain the grievance of the petitioners. The writ petition as such is disposed of. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)